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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/812,573

03/29/2004

Mark Thomas

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3693

8791

7590

08/08/2006

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EXAMINER

NEILS, PEGGY A

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/812,573

Applicant(s)

THOMAS ET AL.

Examiner

Peggy A. Neils

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 and 64-73 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10, 12-22 and 64-73 is/are rejected.  
7) ☒ Claim(s) 11 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/10/2006  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments with respect to claims 1-22 and 64-73 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 7, 12-22, 64, 65 and 68-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hung 2003/0202356.

Hung discloses a lighting device for a wheel. Light emitting elements 4 are positioned on a rotating part of the wheel to illuminate wheel 1. Light emitting elements are positioned in holes 121 provided where hub 10 and spokes 12 of the wheel join. Wheel 1 is made of an optically conductive material which reflects/refracts the light from elements 4 (see discussion in paragraph 0030). Figures 4-7 show various ways of enhancing the illumination of the wheel. While Hung does not expressly state the more light is visible by the reflection and refraction by the optical conductive material than by the light emitting elements themselves it is stated that the lighting arrangement produces multiple light spots on the wheel. As Hung suggests modifying surface for enhanced reflection properties it would be obvious to one skilled in the art that surface

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coating or addition optical elements could be provided (see first sentence of paragraph 0030). While Hung does not show a second independently operated light source he does provide for multiple lights to enhance the appearance of the wheel. In the absence of any criticality to control an additional light independent of the other light sources would be a design choice.

Claims 2 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hung 2003/0202356 as applied to claims 1 and 64 above, and further in view of Lee. Hung does not state what type of light source is used as the light emitting elements. Lee teaches that it is well known in the art to have an illuminated wheel and to use any of a number of different types of light sources in the lighting devices (see paragraph 0043). It would be obvious to one skilled in the art that Hung could use any of a number of types of light sources in the wheel lighting arrangement in the same manner as taught by Lee because the light source itself is not a critical element of the invention but merely a means to provide illumination to the wheel and both references are directed to enhanced illumination of a wheel.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hung 2003/0202356 as applied to claims 1 and 7 above, and further in view of Franklin. Hung shows the lighting device on the wheel frame itself while Franklin teaches providing a lighting arrangement on a hubcap placed on the wheel. It would have been obvious to one skilled in the art that Hung could be modified to provide the lighting arrangement on a hub cap if it were desired in the same manner as taught by Franklin as both references are directed to illuminated wheels.

Claims 9, 10 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hung 2003/0202356 as applied to claim 64 above, and further in view of Hung 2002/0136020.

Hung 2002/0136020 teaches using a shading device 14 in the use of illuminating of wheel to direct the light from the light source. It would have been obvious to one skilled in the art that Hung 2003/0202356 could be modified to include a shading device in the same manner as taught by Hung 2002/0136020 because both references are directed to illuminating wheels.

#### ***Allowable Subject Matter***

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claim 11 is considered to have allowable subject matter because Claim 11 sets forth a light projector attached to positioning means for directing light to the visible portion of the surface of the wheel. The prior art did not show or suggest this feature in combination with the limitations of Claim 1.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Faulstich, Khan and Papadakis are cited of interest.


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications should be directed to Examiner Neils at (571) 272-2377 on a Monday or Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378.

  
Stephen Husar  
Primary Examiner